

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**ANGELA ELIZABETH SAWYER, Individually as
Surviving Spouse of TERRY LEE SAWYER,
as Heir of TERRY LEE SAWYER, as
Representative of the Heirs of TERRY LEE
SAWYER, and as Representative of the Estate
of TERRY LEE SAWYER, Deceased; and
CARTER LEE SAWYER, DILLON LEE SAWYER
and MEAGAN ELIZABETH SAWYER, Individually
as Surviving Adult Children of
TERRY LEE SAWYER, Deceased**

v.

CIVIL NO. 5:17-cv-1101

UNITED PARCEL SERVICE, INC.

DEFENDANT, UNITED PARCEL SERVICE, INC.'S NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS:

Pursuant to 28 U.S.C. §§ 1332 and 1441(a), Defendant, **UNITED PARCEL SERVICE, INC.**, hereby removes this action to the United States District Court for the Western District of Texas from the 438th Judicial District Court of Bexar County, Texas, stating as follows:

1. Plaintiffs, ANGELA ELIZABETH SAWYER, Individually as Surviving Spouse
of TERRY LEE SAWYER, as Heir of TERRY LEE SAWYER, as Representative of
the Heirs of TERRY LEE SAWYER, and as Representative of the Estate of TERRY
LEE SAWYER, Deceased; and CARTER LEE SAWYER, DILLON LEE SAWYER
and MEAGAN ELIZABETH SAWYER, Individually as Surviving Adult Children of
TERRY LEE SAWYER, Deceased, commended this action in the 438th Judicial District
Court of Bexar County, Texas, where it was given Cause No. 2017-CI-20184. This
action is between citizens of different states. Plaintiffs are residents of Texas.

Defendant, United Parcel Services, Inc. is a Delaware Corporation. Further, Plaintiff claims damages for serious personal injury and is seeking damages of \$1,000,000. Accordingly, this Court has original jurisdiction under 28 U.S.C. § 1332.

2. Defendant, United Parcel Services, Inc. received Plaintiff's Application for Temporary Restraining Order without Notice and Temporary Injunction on October 26, 2017, so this removal is timely under 28 U.S.C. § 1446(b).
3. A copy of all process, pleadings, and orders served upon Defendant is attached as Exhibit A.
4. Defendant has provided written notice of this Notice of Removal to all adverse parties and has filed a copy with the Clerk of the 438th Judicial District Court of Bexar County, Texas.
5. Defendant United Parcel Services, Inc., consent to the removal.

Dated: October 30, 2017

Respectfully submitted,



LARRY D. WARREN
State Bar No. 20888450
ATTORNEYS FOR DEFENDANT
UNITED PARCEL SERVICE, INC.

OF COUNSEL:

NAMAN HOWELL SMITH & LEE, PLLC
10001 Reunion Place, Suite 600
San Antonio, Texas 78216
Telephone: (210) 731-6350
Facsimile: (210) 785-2950
lwarren@namanhowell.com

CERTIFICATE OF SERVICE

I hereby certify that on the **30th** day of October 2017, the foregoing was filed with the Clerk of Court using the CM/ECF system, and was served on counsel **via facsimile**:

Jorge A. Herrera
State Bar. No. 24044242
Laura E. Gutierrez Tamez
State Bar No. 00793869
Javier L. Herrera
State Bar No. 24075498
THE HERRERA LAW FIRM, INC.
111 Soledad Street, Suite 1900
San Antonio, Texas 78205
Telephone: (210) 224-1054
Facsimile: (210) 228-0887
jherrera@herreralaw.com
ltamez@herreralaw.com
javier@herreralaw.com

ATTORNEYS FOR PLAINTIFF

LARRY D. WARREN